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09/780,636	02/10/2001	Marc Alan Ehrlich	ARC920000113US1	9342

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05/13/2003

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EXAMINER

MATZ, DANIEL R

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/780,636

Applicant(s)

EHRlich ET AL.

Examiner

Daniel Matz

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by USPN 6,101,482 granted to DiAngelo et al.

Regarding claim 1, DiAngelo et al. disclose a system for automating an electronic-commerce transaction using a virtual shopping cart initiated at a host site (fig. 1), comprising:

a user profile database (created by the initialization manager, fig. 3, item 52; col. 5, lines 28-49) that stores data structures necessary to manage a plurality of users' accounts;

a merchant schema database (fig. 3, transaction repository) that contains information about schemas used by a plurality of heterogeneous merchants' sites;

a shopping cart manager (56, col. 6, lines 5-9) that creates the virtual shopping cart based on a user's search query, and that monitors the content of the virtual shopping cart;

and a comparison shopping engine (58, col. 6, lines 13-44) that collects and manages information across multiple independent transaction sessions from the plurality of heterogeneous merchants' sites, based on the user's search query, and that

returns a corresponding comparative search result, without requiring the user to leave the host site to visit the plurality of heterogeneous merchants' sites. Note that the invention of DiAngelo et al. is intended for use in a server/client environment on the World Wide Web, and thus applicability to a plurality of users is inherent in the disclosure.

Regarding claim 2, DiAngelo et al. disclose a system further including a shopping coordinator (60, col. 6, lines 45-58) that executes a desired shopping request for at least one item in the virtual shopping cart.

Regarding claim 3, DiAngelo et al. disclose a system further including a protocol broker module (60, col. 6, lines 45-58) that communicates with at least one of the plurality of heterogeneous merchants' sites using at least one of the schemas in the merchant schema database.

Regarding claim 4, DiAngelo et al. disclose a system further including a user profile manager (54, col. 5, line 50 – col. 6, line 5) that maintains the user profile database and the merchant schema database.

Regarding claim 5, DiAngelo et al. disclose a system further including a shopping cart database that stores a plurality of data structures necessary to manage a plurality of shopping carts and items contained in the plurality of shopping carts.

Regarding claim 6, DiAngelo et al. disclose a system wherein the merchant schema database (fig. 3, transaction repository) contains information about the plurality of merchants, their communication protocols, and how any one or more of the following functions are implemented for each merchant:

add function, that adds an item to the virtual shopping cart (fig. 4, step 64);  
checkout function, that guides the shopper through a check out process (fig. 4, steps 64-68, see col. 7, line 49 – col. 8, line 8);  
account retrieval feature, that provides account information (col. 8, lines 25-47);  
confirm order feature, that confirms a shopper's order (fig. 4, steps 70-74);  
order confirmation feature, that receives order confirmation data (fig. 4, step 76).

Regarding claim 7, DiAngelo et al. disclose a system wherein the protocol broker parses and analyzes the shopping request related to an item in the virtual shopping cart, to retrieve a corresponding merchant protocol from the merchant schema database. Note col. 7, lines 12-53, which describe how information is parsed and analyzed to retrieve and store a merchant protocol.

Regarding claim 8, DiAngelo et al. disclose a system wherein the corresponding merchant protocol is HTTP, and information related to the item in the virtual shopping cart is encoded, at least in part, in HTML (col. 4, lines 17-20).

Regarding claim 9, DiAngelo et al. disclose a shopping agent site for automating an electronic-commerce transaction using a virtual shopping cart initiated at a host site, having the claimed features as discussed above regarding claim 1.

Regarding claim 10, DiAngelo et al. disclose a shopping agent site, further including:

a shopping coordinator (60) that executes a desired shopping request for at least one item in the virtual shopping cart;

and a protocol broker module (60) that communicates with at least one of the plurality of heterogeneous merchants' sites using at least one of the schemas in the merchant schema database.

Regarding claim 11, DiAngelo et al. disclose a method (fig. 4, col. 6 line 59 – col. 8 line 57) of automating an electronic-commerce transaction using a virtual shopping cart initiated at a host site, comprising:

storing a plurality of data structures necessary to manage a plurality of users' accounts (fig. 4 step 62, col. 8, lines 42-47);

storing information about a plurality of schemas used by a plurality of heterogeneous merchants' sites (fig. 4 step 64, col. 7, lines 2-54);

creating the virtual shopping cart based on a user's search query (fig. 4 steps 64-70);

monitoring the content of the virtual shopping cart (fig. 4 steps 64-70);

and collecting and managing information across multiple independent transaction sessions from the plurality of heterogeneous merchants' sites, based on the user's search query (fig. 4, abstract),

and returning a corresponding comparative search result, without requiring the user to leave the host site to visit the plurality of heterogeneous merchants' sites (col. 8, line 58 – col. 11, line 7). Note that the invention of DiAngelo et al. is intended for use in a server/client environment on the World Wide Web, and thus applicability to a plurality of users is inherent in the disclosure.

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Regarding claim 12, DiAngelo et al. disclose a method, further including executing a desired shopping request for at least one item in the virtual shopping cart (fig. 4, step 76).

Regarding claim 13, DiAngelo et al. disclose a method further including communicating with at least one of the plurality of heterogeneous merchants' sites using at least one of the schemas in the merchant schema database (fig. 4, step 76).

Regarding claim 14, DiAngelo et al. disclose a method further including maintaining the plurality of data structures necessary and the plurality of schemas (col. 7, lines 4-48).

Regarding claim 15, DiAngelo et al. disclose a method further including storing a plurality of data structures necessary to manage a plurality of shopping carts and items contained in the plurality of shopping carts (col. 7, lines 4-48).

Regarding claim 16, DiAngelo et al. disclose a method wherein storing information about the plurality of schemas includes storing information about the plurality of merchants, their communication protocols, and how any one or more of the following functions are implemented for each merchant:

- add function, that adds an item to the virtual shopping cart (fig. 4, step 64);

- checkout function, that guides the shopper through a check out process (fig. 4, steps 64-68, see col. 7, line 49 – col. 8, line 8);

- account retrieval feature, that provides account information (col. 8, lines 25-47);

- confirm order feature, that confirms a shopper's order (fig. 4, steps 70-74);

- order confirmation feature, that receives order confirmation data (fig. 4, step 76).

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Regarding claim 17, DiAngelo et al. disclose a method wherein collecting and managing information includes parsing and analyzing the shopping request related to an item in the virtual shopping cart, to retrieve a corresponding merchant protocol (col. 7, lines 35-47).

Regarding claim 18, DiAngelo et al. disclose a computer program product (claims 22-25) for automating an electronic-commerce transaction using a virtual shopping cart initiated at a host site (fig. 1), comprising:

- a user profile database (created by the initialization manager, fig. 3, item 52; col. 5, lines 28-49) that stores data structures necessary to manage a plurality of users' accounts;

- a merchant schema database (fig. 3, transaction repository) that contains information about schemas used by a plurality of heterogeneous merchants' sites;

- a shopping cart manager (56, col. 6, lines 5-9) that creates the virtual shopping cart based on a user's search query, and that monitors the content of the virtual shopping cart;

- and a comparison shopping engine (58, col. 6, lines 13-44) that collects and manages information across multiple independent transaction sessions from the plurality of heterogeneous merchants' sites, based on the user's search query, and that returns a corresponding comparative search result, without requiring the user to leave the host site to visit the plurality of heterogeneous merchants' sites.



Regarding claim 19, DiAngelo et al. disclose a computer product further including a shopping coordinator (60, col. 6, lines 45-58) that executes a desired shopping request for at least one item in the virtual shopping cart.

Regarding claim 20, DiAngelo et al. disclose a computer program product further including a protocol broker module (60, col. 6, lines 45-58) that communicates with at least one of the plurality of heterogeneous merchants' sites using at least one of the schemas in the merchant schema database.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. USPN 6,029,141 granted to Bezos et al. disclose an internet-based system including an electronic shopping cart that allows the customer to select products from multiple Web sites, and then perform a single "check out."

b. The article from BUSINESS WIRE (ref. U) teaches the combination of a universal shopping cart and a price comparison tool.

c. International Patent Application WO 00/31657 by Van Den Berghe et al. discloses a universal shopping cart system that allows purchases from multiple sites without having to leave the host site.

d. USPN 5,918,213 granted to Bernard et al. teach a system where customer information is stored and retained to facilitate purchasing a variety of products.

e. The article "Client/Server Software Architectures - - An Overview" (ref. V) teaches that client/server architecture is designed to support multiple users.

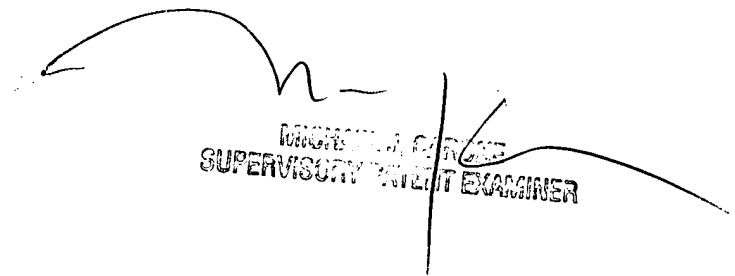
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Matz whose telephone number is (703) 306-4164. The examiner can normally be reached on Mon-Thurs, alt Fri 7:30am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 306-4195 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4180.

drm  
May 7, 2003

  
MICHAEL A. CARONE  
SUPERVISORY PATENT EXAMINER